

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mercedes Bayon	Team: Team # 4	CCRB Case #: 201404549	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 05/04/2014 3:00 AM	Location of Incident: West 142nd Street and 7th Avenue	Precinct: 32	18 Mo. SOL 11/4/2015	EO SOL 11/4/2015	
Date/Time CV Reported Sun, 05/04/2014 3:05 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/09/2014 4:28 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Richard Hall	01119	949078	032 PCT
2. POM Jelani Mills	02293	949337	032 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Matthew Brazas	25360	953703	PBMN
2. POM Robert Eysel	3057	954783	PBMN
3. POM Rory Dahill	3042	954690	PBMN
4. POM Conor Kubic	31060	955026	PBMN

Officer(s)	Allegation	Investigator Recommendation
A.POM Richard Hall	Abuse: PO Richard Hall threatened § 87(2)(b) with the use of force.	
B.POM Jelani Mills	Discourtesy: PO Jelani Mills spoke rudely to § 87(2)(b)	
C.POM Richard Hall	Discourtesy: PO Richard Hall spoke rudely to § 87(2)(b)	

### Case Summary

On May 5, 2014, at approximately 3:00am, § 87(2)(b) (encl. 7-11) was seated in the front passenger seat of her husband, § 87(2)(b)'s, vehicle. Seated in the back seat was § 87(2)(b)'s cousin, § 87(2)(b). § 87(2)(b) was driving northbound on 7<sup>th</sup> Avenue and West 145<sup>th</sup> Street in Manhattan. As they approached the intersection of West 142<sup>nd</sup> Street and 7<sup>th</sup> Avenue, § 87(2)(b) observed two unmarked police vehicles parked on opposite sides of the street. § 87(2)(b) drove down the middle of the street between the two unmarked police vehicles at which time one of the vehicles "shot across" the street causing § 87(2)(b) to slam on the brakes. § 87(2)(b) was then pulled over by the officers in the above unmarked vehicle, which contained PO Jelani Mills and PO Richard Hall. According to PO Mills and PO Hall, they observed § 87(2)(b) driving on 7<sup>th</sup> Avenue and switch lanes without turning on his turn signal, which led them to conduct the vehicle stop. PO Mills approached the driver's side of the vehicle and PO Hall approached on the passenger side. According to § 87(2)(b) PO Mills asked § 87(2)(b) for his documentation and § 87(2)(b) told PO Mills that he needed to open the driver's side door to be able to shift his body so he could retrieve his wallet from his back pants pocket § 87(2)(b) specified § 87(2)(b) is a heavy set male). When § 87(2)(b) opened the door, PO Mills shut the door. § 87(2)(b) then took out her cell phone and began recording the incident and § 87(2)(b) obtained his wallet from his back pocket. Following this, PO Mills asked § 87(2)(b) to step out of the vehicle and § 87(2)(b) then stepped out as well to continue to record the incident. PO Hall then approached § 87(2)(b) and told her to step back into her vehicle. § 87(2)(b) admittedly refused to step back into her vehicle. According to PO Mills (encl. 26-31) and PO Hall (encl. 17-21), during PO Mills investigation into whether or not the turn signal was working properly on § 87(2)(b)'s vehicle, § 87(2)(b) began to scream and interfere in such a way that PO Mills had to ask § 87(2)(b) to step out of the vehicle to conduct the investigation. Both PO Hall and PO Mills stated that § 87(2)(b) stepped out and began screaming and approached the rear of the vehicle again interfering with their investigation. She was directed by PO Hall to get back into the vehicle numerous times before finally complying and being asked for her identification.

§ 87(2)(b) stated that after repeated requests to get into her vehicle, she sat in her vehicle with her feet still planted on the street and the front passenger side door open. PO Hall gave her repeated orders to put her feet inside of the vehicle because he was going to slam the door. § 87(2)(b) alleged that PO Hall also stated that he was going to punch her (**Allegation A**). § 87(2)(b) further alleged that PO Hall and PO Mills began addressing § 87(2)(b) as "bro" and § 87(2)(b) asked that he be addressed by his name. PO Hall allegedly responded "We don't give a fuck what your name is. We will call you what we want to call you. Ok. Bro" (**Allegation B and C**). By this time unknown uniformed officers arrived on the scene and were standing on the sidewalk. PO Hall obtained a summons book from one of the officers and both PO Hall and PO Mills wrote up the summonses.

PO Mills issued § 87(2)(b) a summons for § 87(2)(b) (encl. 25) and PO Hall issued § 87(2)(b) a summons for § 87(2)(b) (encl. 16).

### Contact Attempts to Additional Civilians (encl. 53-61)

On June 24, 2014, § 87(2)(b) informed the undersigned investigator that § 87(2)(b) did not want to participate with the CCRB's investigation. On the same date, a voicemail message was left for § 87(2)(b) to contact the CCRB. Between July 24, 2014 and July 30, 2014 the undersigned investigator mailed § 87(2)(b) a please call letter and also called him at which time he stated he could not speak and would contact the CCRB at a later time. On August 12, 2014, the undersigned investigator called § 87(2)(b) and he scheduled an interview for September 11, 2014 because he was going to be away on vacation and had "other business" near the CCRB on

this date. On September 11, 2014, § 87(2)(b) missed his scheduled interview without calling to cancel or reschedule and a missed appointment letter was mailed to his home address. Between September 16, 2014 and November 14, 2014, the undersigned investigator called § 87(2)(b) twice leaving a voicemail on one occasion and also mailed him a final please call letter. None of the letters were returned to the CCRB by the United States Postal Service and a search of the Department of Correction Inmate Look-Up Website revealed that he was not incarcerated.

On July 30, 2014, the undersigned investigator obtained a cellphone number and an email address for § 87(2)(b). Between September 10, 2014 and October 22, 2014, the undersigned investigator sent § 87(2)(b) three emails and also called him five times; however, was unable to leave any voicemail messages. None of the emails returned as undeliverable and a search of the Department of Correction Inmate Look-Up Website revealed that he was not incarcerated.

#### **Potential Issues**

The undersigned investigator contacted § 87(2)(b) following her CCRB interview in order to obtain the video footage from the incident; however, the footage was never forwarded to the CCRB.

The CCRB identified PO Matthew Brazas, PO Robert Eysel, PO Rory Dahill, and PO Conor Kubic as being assigned to footposts near West 142<sup>nd</sup> Street and 7<sup>th</sup> Avenue. PO Brazas and PO Dahill were partnered together and had no recollection of this incident. PO Eysel was partnered with PO Kubic and stated that he did not have a recollection of this incident. § 87(2)(g)

§ 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g) (encl. 32-45).

#### **Mediation, Civil, and Criminal Conviction Histories**

§ 87(2)(b) did not want to participate in mediation. On April 21, 2015, the undersigned investigator called the Department of Motor Vehicle summons disposition unit and left a voicemail message. Upon receipt the disposition of the failure to signal disposition will be included in the casefile. § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### **Civilian and Officer CCRB Histories**

This is the first CCRB complaint filed by § 87(2)(b) (encl. 2). § 87(2)(b) has filed two previous CCRB complaints (encl. 3). This is the first complaint in which § 87(2)(b) has been a party to (encl. 4).

PO Hall has been a member of service for four years. He has two previous CCRB complaints against him involving two allegations. CCRB case number 201501860 is still open, while CCRB case number 201401154 was closed as unsubstantiated. § 87(2)(g)

§ 87(2)(g)

PO Mills has been a member of service for four years. He has one previous complaint involving three allegations all of which were closed as unfounded. § 87(2)(g)

## **Findings and Recommendations**

### **Allegations Not Pleaded**

§ 87(2)(g)

### **Explanation of Subject Officer Identification**

§ 87(2)(b) identified PO Hall by name during her interview and he confirmed his involvement and interaction with § 87(2)(b) during this incident. § 87(2)(g)

§ 87(2)(b) identified PO Mills by name during her interview and he confirmed his involvement and interaction with § 87(2)(b) and § 87(2)(b) during this incident. § 87(2)(g)

### **Recommendations**

**Allegation A- Abuse of Authority: PO Richard Hall threatened § 87(2)(b) with the use of force.**

**Allegation B- Discourtesy: PO Jelani Mills spoke rudely to § 87(2)(b)**

**Allegation C- Discourtesy: PO Richard Hall spoke rudely to § 87(2)(b)**

§ 87(2)(g)

According to § 87(2)(b) she was standing outside of the vehicle and PO Hall gave her numerous commands to get back into the vehicle, which she refused to comply with. However, at some point § 87(2)(b) did get back into the vehicle and sat with her feet still out in the street with the front passenger door open. At this point, PO Hall continued to tell § 87(2)(b) to put her feet into the vehicle that he was going to slam the door and then allegedly told § 87(2)(b) that he was going to punch her. Based on § 87(2)(b)'s testimony, it was at this time that § 87(2)(b) approached from the rear of the vehicle and told PO Hall that he was not going to punch § 87(2)(b). § 87(2)(b) further alleged that following the above, PO Hall and PO Mills began addressing § 87(2)(b) as "bro." § 87(2)(b) asked to be addressed by his name and PO Hall stated, "We don't give a fuck what your name is. We will call you what we want to call you ok bro."

According to PO Mills and PO Hall, as PO Mills attempted to speak to § 87(2)(b) about his turn signal, § 87(2)(b) began yelling and screaming, which interfered with their investigation. § 87(2)(b) was then asked to step out of the vehicle so that they could speak to him at the rear of the vehicle. Following this, § 87(2)(b) exited the vehicle, resumed yelling and screaming, and refused to get back into her vehicle despite being told to numerous times. At some point § 87(2)(b) did get back into her vehicle, but refused to put her feet in. According to PO Hall and PO Mills, § 87(2)(b) approached the passenger side walking away from PO Mills at the rear of the vehicle and he was able to get § 87(2)(b) to comply. PO Hall denied that he told § 87(2)(b) that he was going to slam the door or that he was going to punch her. PO Hall stated that he did not know if he called § 87(2)(b) "bro" at any point, but denied stating, "We don't give a fuck what your name is.." PO Mills corroborated this and stated that neither he nor PO Hall called § 87(2)(b) "bro" and denied that PO Hall told § 87(2)(b) he would punch her or made the aforementioned statement.

§ 87(2)(g)

[REDACTED]

Team: \_\_\_\_\_

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date